

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

9:38 am, Nov 29, 2018

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WEST COAST 2014-7, LLC,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

DONA WILSON HAMILTON and THE
BOARD OF MANAGERS OF THE
WINDBROOKE HOMES CONDOMINIUM,

ADOPTION ORDER
17-cv-3918 (ADS) (ARL)

Defendants.

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APPEARANCES:

The Margolin & Weinreb Law Group, LLP
Counsel for Plaintiff
165 Eileen Way, Suite 101
Syosset, NY 11791

By: Alan H. Weinreb, Esq.

NO APPEARANCES:

The Defendants

SPATT, District Judge.

On June 30, 2017, the Plaintiff, West Coast 2014-7, LLC, commenced this action against Dona Wilson Hamilton and the Board of Managers of the Windbrooke Homes Condominium (together the “Defendants”) to foreclose a mortgage encumbering property in Central Islip, New York.

On September 13, 2017, the Clerk of the Court issued a Certificate of Default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

On April 3, 2018, the Plaintiff moved for a default judgment against the Defendants.

On April 4, 2018, the Court referred this matter to United States Magistrate Judge Arlene R. Lindsay for a recommendation as to whether the motion for a default judgment should be granted, and if so, whether damages should be awarded.

On November 8, 2018, Judge Lindsay issued a Report & Recommendation (“R&R”) recommending that (1) a default judgment be granted against the Defendants; (2) a judgment of foreclosure and sale be granted; (3) the Court appoint a Referee to conduct the sale of the mortgaged premises; (4) damages be awarded in the amount of \$300,891.48; and (5) the future referee fee and ancillary costs associated with the sale not be awarded.

More than fourteen (14) days have elapsed since service of the R&R on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety, and the Plaintiff’s motion for a default judgment is granted. The Plaintiff is instructed to submit three persons for selection by the Court to appoint as referee for the sale of the mortgaged premises, within thirty days. The Plaintiff shall also submit, by the same date, curriculum vitae of the three prospective referees demonstrating their qualifications for appointment as referee in this matter.

The Plaintiff is further directed to submit a proposed judgment of foreclosure and sale consistent with this Order.

SO ORDERED.

Dated: Central Islip, New York
November 29, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge